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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,927	11/21/2003	Tsutomu Muraoka	SN-US035146C	7552
22919	7590	11/22/2005		
SHINJYU GLOBAL IP COUNSELORS, LLP 1233 20TH STREET, NW, SUITE 700 WASHINGTON, DC 20036-2680				
			EXAMINER KIM, CHONG HWA	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/717,927

Applicant(s)

MURAOKA, TSUTOMU

Examiner

Chong H. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-20 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagano, U.S. Patent 5,115,692.

Nagano shows, in Figs. 1-7, a bicycle pedal comprising;

a pedal shaft 1 having a center rotational axis;

a pedal body 2 rotatably coupled to the pedal shaft about the center rotational axis of the pedal shaft, the pedal body having a first end 24 and a second end 25 with a center plane extending between the first and second ends and passing through the center rotational axis of the pedal shaft;

a front clamping member 4A coupled to the first end of the pedal body with a front cleat engagement surface facing towards the center plane of the pedal body and a front cleat stop surface spaced forwardly from the center rotational axis of the pedal shaft by a first offset distance measured perpendicular to the front cleat stop surface;

a rear clamping member 4B pivotally coupled to the second end of the pedal body to pivot in a generally rearward direction, the rear clamping member having a rear cleat engagement surface facing towards the center plane of the pedal body and a rear cleat stop

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surface spaced rearwardly from the center rotational axis of the pedal shaft by a second offset distance measured perpendicular to the rear cleat stop surface, the second offset distance being smaller than the first offset distance;

the pedal body has a first biasing member 7 operatively coupled between the rear clamping member and the pedal body to urge the rear clamping member to a cleat engaging position;

the front and rear cleat engagement surfaces lie substantially in a single plane;

wherein the pedal body has an opposite side front clamping member 5B coupled to the second end of the pedal body and an opposite side rear clamping member 5A pivotally coupled to the first end of the pedal body, the opposite side front clamping member having an opposite side front cleat engagement surface spaced facing towards the center plane of the pedal body and an opposite side front cleat stop surface spaced from the center rotational axis of the pedal shaft by the first offset distance measured perpendicular to the opposite side front cleat stop surface, and the opposite side rear clamping member having an opposite side rear cleat engagement surface facing towards the center plane of the pedal body and an opposite side rear cleat stop surface spaced from the center rotational axis of the pedal shaft by the second offset distance measured perpendicular to the rear cleat stop surface;

wherein the pedal body has a second biasing member 6 operatively coupled between the opposite side rear clamping member and the pedal body to urge the opposite side rear clamping member to a cleat engaging position;

wherein the opposite side front and rear cleat engagement surfaces lie substantially in a second single plane; and

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wherein the front clamping member is pivotally coupled to the first end of the pedal body to pivot in a generally forward direction about a first pivot axis that is parallel to a second pivot axis of the rear clamping member.

***Allowable Subject Matter***

3. Claims 10-20 are allowed.
4. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter: neither prior art of record nor references teach a bicycle pedal comprising a front and a rear clamping members, each pivotally attached to a pedal body about the first and second pivot axis, respectively, and each having a cleat engagement surface facing towards the center plane of the pedal body, wherein the rear cleat engagement surface is further distanced from its own pivot axis than the front cleat engagement surface.

***Response to Arguments***

6. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.
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***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bicycle pedal with rear cleat surface being farther away from shaft axis than front cleat surface.

Ueda, U.S. Patent 6,014,914

Muraoka, U.S. Patent 6,845,688 B2

Muraoka et al, U.S. Patent 6,694,846 B2

Nagano, U.S. Patent 5,497,680

Steinberg, U.S. Patent 6,341,540 B2

Takahama, U.S. Patent 6,305,244 B1

Nagano, U.S. Patent 4,928,549

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chong H. Kim whose telephone number is (571) 272-7108. The examiner can normally be reached on Tuesday - Friday; 9:00 - 6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

chk  
November 19, 2005

  
CHONG H. KIM  
PRIMARY EXAMINER